

SUPPLEMENTAL DECLARATION:

Applicants submit herewith a supplemental declaration in accordance with 37 C.F.R. §1.175(b)(1), appropriate to overcome defects in any previously submitted declarations under 35 U.S.C. §251.

REMARKS

Claims 1-40 are pending in the application. Claims 20-22 are amended. No new matter is added.

Reissue Claim Amendment Objection:

The form in which claims 20-40 were presented in the most recent Amendment filed November 9, 1999, are objected to. In particular, the bracketing and underlining found in claims 20 and 22 are considered improper under 37 C.F.R. §1.121(b)(2).

Applicants respectfully submit claims 20-40, underlined to indicate text added to the contents of the original patent, in compliance with 37 C.F.R. §1.121(b)(2). In addition, claims 20-22 are indicated as being amended pursuant to previous submissions, in accordance with 37 C.F.R. §1.121(b)(2)(i)(A).

Applicants respectfully submit that the claims in the application are presented in proper form, and that the objection is overcome. Applicants respectfully request that the objection to the claims under 37 C.F.R. §1.121(b)(2) be reconsidered and withdrawn.

Claim Rejection - 35 U.S.C. §112:

Claim 21 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, claim 21 is rejected as reciting an element which lacks antecedent basis.

Applicants have amended claim 21 to overcome the rejection. Specifically, the term "recess" is replaced with the term "temple". It is respectfully submitted that claim 21 now complies with the requirements of the 35 U.S.C. §112, second paragraph, and distinctly claims the subject matter regarded as the invention. Applicants respectfully request that the rejection of claim 21 under 35 U.S.C. §112, second paragraph, be reconsidered and withdrawn.

Supplemental Declaration Requirement:

Claims 1-40 are rejected as being based upon a defective reissue declaration under 35 U.S.C. §251. In particular, the Office Action states that there is no reissue declaration of record which covers errors or defects corrected by the previously submitted Amendment dated November 9, 1999.

Applicants respectfully submit herewith a declaration under 37 C.F.R. §1.175(b)(1) to overcome the rejection under 35 U.S.C. §251. It is respectfully submitted that the supplemental declaration is appropriate to overcome the rejection under 35 U.S.C. §251 made by the Examiner because it is indicated that the submission of a supplemental declaration under 37 C.F.R. §1.175(b)(1) will overcome the rejection. 37 C.F.R. §1.175(b)(1)(II). Applicants further respectfully submit that the enclosed supplemental declaration satisfies the requirement under 37 C.F.R. §1.175(b)(1), which states that any corrected error or defect must be covered by a supplemental declaration submitted before allowance of the application.

Applicants respectfully submit that the rejection of claims 1-40 under 35 U.S.C. §251 is now overcome. It is respectfully requested that the rejection of claims 1-40 be reconsidered and withdrawn.

Conclusion:

It is respectfully submitted that the foregoing is a complete and accurate response to the Office Action dated July 5, 2000. Applicants respectfully believe that in view of the above amendments and remarks, the application is now in condition for allowance. Early and favorable action with notice to that effect is hereby earnestly solicited. If it is believed that a telephone

interview would contribute to allowance of the claims, the Examiner is requested to call the undersigned counsel at the number given below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on October 2, 2000

Brendan J. Kennedy

Name of applicant, assignee or

Registered Representative

Brendan J. Kennedy

Signature

October 2, 2000

Date of Signature

BJK:gl

Respectfully submitted,

Brendan J. Kennedy

Brendan J. Kennedy

Registration No.: 41,890

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700